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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000840

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TAGS: PGOV PREL ASEC PHUM ZI
SUBJECT: BITI PESSIMISTIC, BUT NOT WITHOUT HOPE

REF: A. HARARE 747
 1B. HARARE 828
 1C. HARARE 837

Classified By: Ambassador James D. McGee for reason 1.4 (d)

11. (C) SUMMARY: During a September 17 meeting with Ambassador, MDC Secretary General Tendai Biti said that the Zimbabwean power sharing agreement is a reasonably good document on paper, but will only succeed in creating a better future if ZANU-PF exhibits good will. He is pessimistic on this front, pointing to ZANU intransigence on the distribution of cabinet positions. Biti said that the South African facilitation essentially tricked Tsvangirai into making concessions that provide the Mutambara faction enhanced representation. Biti has not decided whether to participate in the new government or look after his family's interests by pursuing a career outside Zimbabwe. If Biti leaves, he will leave a hole that MDC-T will find difficult to fill. END SUMMARY.

IT MIGHT LOOK OK ON PAPER, BUT...

12. (C) MDC Secretary General Tendai Biti called on the Ambassador on September 17. Biti, who was one of the key negotiators of Zimbabwe's power-sharing agreement (Ref A), characterized the document as not bad on paper, but suspect in practice. He compared it favorably with the agreement outlining the division of powers in Kenya, with the 1979 agreement that led to Zimbabwe's independence, and with the 1992 agreement between Mandela and De Klerk that ended the South African apartheid regime's monopoly on power. Biti said that MDC negotiators let ZANU get its way on symbolic issues like sanctions and external interference, but made sure they held their ground on important issues of substance, like the process for the drafting of a new constitution. On land, for example, Biti argued that yielding to ZANU-preferred language on the characterization of Zimbabwean history was of little importance compared to the significant

measures the parties agreed to going forward: that land will be distributed to all Zimbabweans regardless of race, that a land audit will be conducted, and that land holders will enjoy security of tenure, meaning they will receive some form of transferable title. He said that provisions requiring the President to act "in consultation with the Prime Minister" mean that the Prime Minister effectively holds a veto, since consultation, in the Westminster system, requires consent.

13. (C) However, Biti was skeptical about the sincerity of President Mugabe ("anything Mugabe touches is poisoned") and ZANU-PF--which will be essential for successful implementation. He said current difficulties over the distribution of Ministerial portfolios suggest that ZANU-PF is not really ready to share power; ZANU wants all the strategic ministries except Home Affairs, including the Ministries of Finance and Foreign Affairs, which MDC-T expected to hold. In contrast to what he described as the euphoric, celebratory mood of his MDC colleagues, Biti said he considered the chances of success to be less than 50 percent. Biti questioned MDC fitness to govern as well as ZANU-PF commitment to sharing power.

TSVANGIRAI TRICKED IN END STAGE NEGOTIATION

14. (C) Biti expressed bitterness about the South African mediation and the role of Mutambara faction Secretary General Welshman Ncube. Although Biti was not fundamentally

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dissatisfied with the text of the agreement, he said that MDC-T lost substantial ground at the last negotiating session on September 11. On September 10, according to Biti, the text gave real power to the Council of Ministers (COM), granting it a substantive (though somewhat duplicative) role in government. Mutambara and Tsvangirai initialed a draft, but Mugabe deferred a decision. Early September 11, ZANU-PF backtracked, insisting on a minor role for the COM. Mbeki convened the principals to work out the issue. Biti said Morgan Tsvangirai "gave in" and agreed to a COM with no real powers.

15. (C) Biti was disappointed by Tsvangirai's capitulation, but angry about what happened next. He said that he would have expected that, at that point, the negotiators would have assembled to put together a final text embodying the principals' agreement on the distribution of executive powers. Instead, however, the South Africans kept the principals together while they assembled a text. The text was then signed by all three principals on the evening of September 11, presenting their parties with a fait accompli. The problem was that the text altered other agreed provisions, in each case favoring the Mutambara faction and disadvantaging the MDC-T. Biti attributed this to conniving between Ncube and Mbeki advisor Gumbi.

16. (C) Although it was not the only measure, the most blatant example Biti described involved Article 20.1.7, which allows Mugabe to appoint eight senators, MDC-T to appoint three, and MDC-M to appoint three. According to Biti, the agreement between the negotiators on September 11 was to allow ZANU-PF to maintain the five senatorial appointments it had already made, but to balance these by giving MDC-T four appointed senators and MDC-M two. Biti understood that Principals had not negotiated to change this provision--Tsvangirai signed on September 11 in the mistaken belief that, except for the role of the COM, the text he was signing was the document his team had negotiated.

A PERSONAL DILEMMA

17. (C) Asked what role he expected to play in a new government, Biti said that he was torn. His lack of

confidence in the agreement (and his wife's strong appeals) led him to consider remaining out of the new government altogether. He thought this would leave him untainted for future efforts to effect change, but he knew that his decision to withdraw would be used to weaken whatever chance existed for successful implementation. He also considered that he would need to leave Zimbabwe, and perhaps Africa, if he chose to sit out the "inclusive government."

18. (C) On the other hand, Biti said he believed that, even if the new government was not entirely successful, it offered opportunities to advance the democratic agenda in Zimbabwe. He described the provisions for the drafting of a new constitution as the best part of the agreement, and said he thought he might be able to deliver tangible progress if he served as the Minister of Justice. Biti also thought he had a good grasp on what would be required to turn around the economy, and suggested he would also consider an appointment as Minister of Finance. Ambassador told Biti we hoped he would stay and work from within government to try to bring a better future to Zimbabwe.

WHAT CAN THE USG DO?

19. (C) Ambassador asked Biti what the USG could do to improve
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the chances that the agreement will usher in real change in Zimbabwe. Biti agreed with Tsvangirai that quick deployment of humanitarian assistance will be critical both to address severe food insecurity and to build credibility for Tsvangirai. He was skeptical about widespread distribution of inputs, noting that without correcting market distortions, input distribution alone will not reverse declining food production. He urged USG capacity building for new MDC MPs as well as for the Speaker and his team.

COMMENT

110. (C) Biti's pessimistic assessment of the good faith of Mugabe and ZANU-PF corresponds with our own. His relatively positive assessment of the substance of the agreement is encouraging, though hardly surprising given that he was one of its authors. We hope he will sacrifice personal considerations and agree to serve in the new government. If he loses Biti, Tsvangirai faces off against Mugabe with an even weaker team on his bench.

MCGEE